

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DON RYAN**, on February 7, 2005 at 3:00 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Don Ryan, Chairman (D)
Sen. Gregory D. Barkus (R)
Sen. Jerry W. Black (R)
Sen. Jim Elliott (D)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Bob Story Jr. (R)

Members Excused: Sen. Jeff Mangan (D)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Lois O'Connor, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SJ 8, 2/2/2005
Executive Action: None.

{Tape: 1; Side: A; Time Counter: 1.2}

HEARING ON SJ 8

Opening Statement by Sponsor:

SEN. KEN TOOLE (D), SD 41, HELENA, said that following the controversy in the Bitterroot Valley, he was asked to carry legislation to address separation of church & state and quality science education. He explained that adoption of curriculum is best left up to the local school boards, but that he would be willing to introduce a resolution to provide guidance from the Legislature. SJ 8 tries to address a recurring issue in Montana schools.

SEN. TOOLE said that in this context, the proponents of creationism are either confused or manipulating the language. On one hand, the word "theory" means that there is an idea that remains to be proven. On the other hand, the word "theory" refers to a verifiable set of facts or phenomenon which have been tested and demonstrated to occur. This is how it is used in the scientific community to refer to numerous things including the theory of evolution and gravity.

There are numerous scientists who are Christian and see no conflict between the concept of evolution and their faith. Conversely, there are millions of Christians who see no conflict between the two. The conflict arises with a specific subset of Christians who are commonly referred to as "fundamentalists". They believe that the Bible is to be understood as literally true which means that many scientific theories cannot be reconciled to their religious beliefs. Evolution, theories about long it took to create the Earth, and origins of man to name a few. The nub of this conflict comes with education, and many of these people have opted out of the public education system in order to be free to infuse their children's curriculum with material that is consistent with their religious beliefs. This is fine, and it is their right.

SEN. TOOLE added that others have chosen to work to mold the public schools curriculum to conform with their religious principles. It becomes a very different thing when the effort is made to dictate public school curriculum because it has the potential to conflict with the doctrine of separation of church and state that has been found to be consistently unconstitutional in the courts. **SEN. TOOLE** cited Edwards v. Aguillard (1987) 482 U.S. 578. He added that this has the potential to cost school districts a lot of money and divide communities.

{Tape: 1; Side: A; Time Counter: 8.7}

Proponents' Testimony:

Victoria Clark, Darby; provided written comments in support of SJ 8.

EXHIBIT(eds30a01)

{Tape: 1; Side: A; Time Counter: 13.8}

Rod Miner, Darby, read a letter from **Jack Eggensperger, Former School Superintendent, Darby,** and written comments in support of SJ 8.

EXHIBIT(eds30a02)

Bill LaCroix, Hamilton, provided a letter from **Jerry Seidensticker, Principal, Hamilton,** and a fact sheet on intelligent design creationism. He said that the issue is sectarian and not science.

EXHIBIT(eds30a03)

EXHIBIT(eds30a04)

Mr. LaCroix said that he has many friends who are as deeply religious as he is. He does not like to talk about these things in these terms because it is damaging, which is why there is a separation of church and state. He said that he was also speaking because the issue is political, and the Bitterroot Valley communities would like direction. They would also like the Legislature to take a position on the issue to remind local school boards where their responsibilities lie in regard to sectarian teachings in public schools, in addition to, what to expect from the state if they insist on visiting this issue in their communities.

{Tape: 1; Side: A; Time Counter: 24.1}

Deb Essen, Bitterroot Valley resident, said that in speaking to many people during her campaign for HD 89 in 2004, she found that this issue is one that did not divide on party lines. It tore a community apart, not for political ideologies, but by fundamentalist Christian ideology against other Christians and other members of the community who believed in a different way than they did. She always considered the issue to be a fence between church and state. A fence that can be seen and communicated through, but a fence that neither side crosses. Let religion discuss the why, let science discuss the how, let the

two compliment each other, and do not confuse philosophy with fact.

{Tape: 1; Side: A; Time Counter: 27.3}

George Stanley, Professor of Geology and Paleontology, University of Montana, said that evolution is as firmly established as the idea that the Earth goes around the sun, and he believes that it is the glue that holds everything together. What is wrong with equal time for other theories is that there are no other theories. Schools today have a problem because of rampant scientific illiteracy. Wasting the time to spend on other so called opposing theories, would dilute and waste precious time that educators need. In addition, intelligent design is a smoke screen to get around a Supreme Court decision that does not support intelligent design as a valid science.

Don Matlock, Bitterroot Valley Resident, provided a poll of 460 science professors who believe that intelligent design is a religious view.

EXHIBIT (eds30a05)

Mr. Matlock said that every culture has a creation story. The problem becomes when one culture says "My story is fact, and all other stories are myth." Does the current thinking support the stories of Raven, Napi, Turtle Island or the Garden of Eden. The answer is no. Does that make them false? Again, the answer is no. Much more needs to be learned to find out how the study of science and the creation stories are mutually compatible. The real danger lies in allowing intelligent design creationism to have a force of law. If that happens, then how long is it before other doctrines obtain that force of law, such as manifest destiny, divine right, or racial superiority. The state must not go down that road.

{Tape: 1; Side: B; Time Counter: 1.7}

Dr. David Baker, Earth Scientist, Monarch, said that since the 1920s, there have been many developments trying to debunk geology and science and promote the religious interpretation from the Book of Genesis. In his 30 years of examining creationist arguments, he has found no solid scientific argument that stood up to critical examination.

{Tape: 1; Side: B; Time Counter: 7.3}

Joe Lamson, speaking on behalf of State Superintendent Linda McCullough, OPI, said that as a state-elected official,

Superintendent McCullough swore to uphold the Montana Constitution. The Constitution has very strict restrictions on church and state activities found in Article X, sections 6 and 7. Section 6 prohibits the use of funds for promoting sectarian tenets, and section 7 forbids the promoting of those tenets within public institutions, including schools. He said that the rise of being taught creationism in science courses evolved into creation science, and then into intelligent design, and now into objective origins. However, its basic source and evolutionary link in philosophy has been a religious one. Therefore, it causes many problems in teaching that philosophy as science. This is not to say that cultural and religious beliefs are not freely discussed in science courses and other studies. OPI's objection is to the teaching of these religious philosophies as science.

Mr. Lamson added that Montana has a strong interest in a good science education. As a state, its economy, its agricultural economy, and its mining and forestry economies all depends on a good understanding of the scientific natural world. Montana's science standards are set by the Board of Education after consultation with hundreds of science teachers so that its students can have the best science standards possible. Of the five national tests required by the state, science is the subject the Montana students consistently score the best on. OPI believes that SJ 8 affirms the strong resource of Montana's education, which is science education.

{Tape: 1; Side: B; Time Counter: 11.0}

David Jones, Bitterroot Valley Resident; provided written comments and comments from others in support of SJ 8.

[EXHIBIT\(eds30a06\)](#)

[EXHIBIT\(eds30a07\)](#)

Mal Westcott, Bitterroot Valley Resident, said that most of the talk has focused on evolution. However, previous speakers mentioned the theory of geology and how it explains geological formations, thermal activity, and the recent tsunamis. They also said that the world is a very old place which flies directly in the face of some interpretations of the Bible. He added that not all scientist agree, and the debate is not over whether evolution occurs but how it occurs. This is what the school curriculum should be focusing on.

{Tape: 1; Side: B; Time Counter: 16.9}

John Schneeberger, Bitterroot Human Rights Alliance, provided an overview of an amicus brief regarding Selman v. Cobb County

School District, Georgia, and a letter from **Chris Clancy**,
Hamilton.

[EXHIBIT](#)(eds30a08)

[EXHIBIT](#)(eds30a09)

Mr. Schneeberger said that this issue should not be partisan. However, there is a philosophical divide that is quite evident. The divide is between those people who believe that schools should teach the best available science and those who believe that it needs to censor science because of a particular sectarian belief. He believed that the divide is a concerted effort on the part of some people who believe that other people cannot handle the truth, that it needs to be censored and truncated in order to protect impressionable young minds. This bows very bad for the entire process of discovery.

{Tape: 1; Side: B; Time Counter: 22.0}

Kyle Strode, Professor of Psychology, Carroll College; and **Corrine Gantt**, Hamilton, provided written comments in support of SJ 8. **Ms. Gantt** also cited letters from **Duane Lyons**, Superintendent of Schools, Hamilton; and **David Quammen**, Author, Was Darwin Wrong in support of SJ 8.

[EXHIBIT](#)(eds30a10)

[EXHIBIT](#)(eds30a11)

[EXHIBIT](#)(eds30a12)

[EXHIBIT](#)(eds30a13)

{Tape: 1; Side: B; Time Counter: 28.6}

{Tape: 2; Side: A; Time Counter: 0.1}

Opponents' Testimony:

Scott Hill, Mosby; **Esther Fishbaugh**, Bozeman; **Rachel Roberts**, Montana Family Foundation; **Gina Schallenberger**, Citizen; **Art Plowman**, Citizen; and **Patricia Plowman**, Carbon County Republican Women, provided written comments in opposition to SJ 8.

[EXHIBIT](#)(eds30a14)

[EXHIBIT](#)(eds30a15)

[EXHIBIT](#)(eds30a16)

[EXHIBIT](#)(eds30a17)

[EXHIBIT](#)(eds30a18)

[EXHIBIT](#)(eds30a19)

[EXHIBIT](#)(eds30a20)

{Tape: 2; Side: A; Time Counter: 30.3}

{Tape: 2; Side: B; Time Counter: 2.1}

Doug Banks, Darby School Board Trustee, said that the Board is required to set policy at the local level based on guidelines from both state and federal levels. Those policies say that the Board is to trace developments that demonstrate scientific knowledge that is subject to change as new evidence becomes available. The issue is about good science and bad science. The problem is that the scientific community wants to establish that evolution is a fact rather than a theory. If the Legislature locks school boards into calling a theory a fact and disallow them to submit any evidence that is contrary to it, that is bad science.

{Tape: 2; Side: B; Time Counter: 7.9}

Doug Nulle, Citizen, said that the Legislature should not be in the business of opposing or condemning organizations that choose to exercise their First Amendment rights to free speech and free association which are fundamental rights. The Legislature's position on someone exercising those rights should be neutral. SJ 8 forces the Legislature to choose sides with respect to an issue that it has no business getting involved in. SJ 8 sends the wrong message to Montana's citizens.

{Tape: 2; Side: B; Time Counter: 8.9}

Harris Himes, MT Family Coalition, provided written testimony in opposition to SJ 8 in addition to information from Ohio which has adopted a curriculum on the "Critical Analysis of Evolution".

[EXHIBIT\(eds30a21\)](#)

[EXHIBIT\(eds30a22\)](#)

{Tape: 2; Side: B; Time Counter: 11.0}

Dick Green, Citizen, said that Darwinism is a theory not a theorem. There is not a shred of evidence anywhere that there has ever been any macro-evolution. Micro-evolution is abundant and manifest.

{Tape: 2; Side: B; Time Counter: 12.3}

Bill Snoddy, Citizen; and Lindsay Sinclair, Elementary Education Student, University of Montana, provided written comments in opposition to SJ 8.

[EXHIBIT\(eds30a23\)](#)

[EXHIBIT\(eds30a24\)](#)

Linda Pattengale, Student, University of Montana-Western, spoke in opposition to SJ 8 while **Julie Millam, MT Family Coalition**, provided written comments in opposition to SJ 8.

[EXHIBIT\(eds30a25\)](#)

{Tape: 2; Side: B; Time Counter: 15.8}

Bob Leach, Citizen, said that he went through the California School System, and he was no stranger to evolution. He found that the system lied to the students innumerable times. As a Christian, he finds that there is no conflict between true science and the Bible. Once science grabs a hold of a concept, it is very slow to let go. The church is not afraid of the Bible, it embraces truth. The problem is that the scientific community does not want to embrace truth if it is against its own theory. If this issue is made a political one, the people of Montana will respond.

Jane Nofsinger, Citizen, MT Eagle Forum, said that the Chinese can criticize Darwin but not the government while Americans can criticize government but not Darwin. She said hooray for the school boards for rejecting censorship and allowing debate.

Becky Stockton, Citizen, stood in opposition to SJ 8 and provided a copy of If You Believe in Evolution... for the Committee's preview.

[EXHIBIT\(eds30a26\)](#)

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. McGEE asked a series of questions of **Dr. Stanley** from What is the basis of geologic time and according to what? to Is evolution taught as a science or religion? **Dr. Stanley** responded that the basis of geologic time is the relative dating of fossils, as well as the rocks that they are contained in, by using the relative geological time scale. In the beginning of the time scale, geologist were unable to put an absolute number of years to the scale. However, Darwin surmised that the Earth must be old, and evolution was taught as a science. In the biological sciences, evolution is the glue that binds it together in a similar way that plait-tectonics is the glue that binds geological things together. In many ways, evolution spills over

into geology because geologists are involved in the dating of rocks and the Earth. **SEN. McGEE** asked if evolution was taught as a factual science or a theory. **Dr. Stanley** said that evolution is taught as a factual science. Evolution is fact. The theory to explain it was Darwin's Natural Selection. **SEN. McGEE** asked if evolution is being taught as a fact with regard to dinosaurs, for example, which fact is being taught. Are they birds or are they reptiles? **Dr. Stanley** said that if birds are being classified, dinosaurs are being taught as reptiles, but with a close alliance to a sister group, birds.

SEN. McGEE asked if evolution was a science or a religion. **SEN. TOOLE** said that evolution is a mechanism used for explaining natural phenomenon, and he would place it in the science category. **SEN. McGEE** asked in light of the testimony from two members of the Kansas State Board of Education, would **SEN. TOOLE** be amenable to striking the language referring to the Kansas State Board. **SEN. TOOLE** said that he had no problem with an amendment but that he did not view the statements referring to the Kansas Board as critical to what the resolution is trying to do.

{Tape: 3; Side: A; Time Counter: 0.1}

SEN. TOOLE added that although he was unsure about all the national media statements about the efforts in Kansas, he did not agree with the statements made about what happened in Kansas. However, he felt it was not critical to the intent of SJ 8. **SEN. McGEE** questioned whether the language under subsection (2) included organizations, such as the ACLU or the Coalition for the Separation of Church and State. **SEN. TOOLE** said that he did not believe it would because they are not religious interpretations. The debate is about God or not God and that is what needs to be focused on. The whole idea of objecting to science curriculum because people cannot conform it to their religious tenets is threatening to the quality of education in Montana. The ACLU objections may be philosophical or legal but are not religious in nature.

Closing by Sponsor:

SEN. TOOLE said that this issue is an important culture war. It is about public education what is taught to Montana's children, and how the state is going to move its children forward. He felt the Legislature should make a statement about it because the conflict is not going to go away. The issue is difficult, contentious, and confusing. He said that all that has to be done is to look at the number of organizations that are absolutely

dedicated to infusing religious doctrine into the science curriculum at the local school level.

ADJOURNMENT

Adjournment: 5:00 P.M.

SEN. DON RYAN, Chairman

LOIS O'CONNOR, Secretary

DR/lo

Additional Exhibits:

EXHIBIT ([eds30aad0.PDF](#))